REMARKS

Claims 8-10 and 24-26 are pending in the application. As required by 37 CFR § 1.121, Applicant submits a version with markings showing changes to the application. In light of the amendments and following remarks, Applicant believes all the pending claims are now in condition for allowance.

Formal Matters

The Office Action indicated that although the specification is acceptable for examination purposes, it may not be suitable for printing if the patent issues. Once the case is otherwise allowable, Applicant will submit a substitute specification including all amendments to the specification.

The § 102(b) Rejection of Claims 8-10 and 24-26

The Office Action rejected claims 8-10 and 24-26 under 35 USC § 102(b) as allegedly being anticipated by "'Checkerboard' DNA-DNA Hybridization," published 1994 by S.S. Socransky et al. (hereinafter "Socransky"). Accordingly, it is asserted that the reference discloses all the features of the claims. For the following reasons, the rejection is overcome.

The Office Action has stated that forming polymer probes with at least one different monomer addition cycle was a "product by process" type limitation. Additionally, the Office Action stated that this limitation did not change the structure of the claimed substrate.

In a sincere effort to expedite prosecution, Applicant has amended the independent claims to recite that the polymer probes have the same desired sequence and that at least one polymer probe has a different actual sequence as a result of a different monomer addition cycle (see, e.g., page 11, line 10 et seq.). As these features clearly change the structural nature of the substrate, the features cannot be ignored.

Socransky has not been shown to describe a substrate including polymer probes having the same desired sequence and at lease one polymer probe that does not have the same actual sequence as a result of a different monomer addition cycle as claimed. The Office Action indicated that the claims, such as claim 8, could be interpreted that the feature of "formed with at least one different monomer addition cycle" applies to the control sequence, NOT the polymer probes coupled to the substrate.

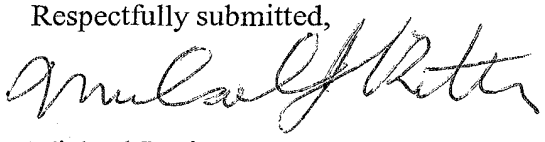
As the Socransky has not been shown to disclose all the features of the claims, a prima facie case of anticipation of claim 8 has not been established. The other independent claim,

claim 24, was amended in a similar manner so all pending claims are patentable over the reference.

Conclusion

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 446-8693.

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE TO THE APPLICATION

In the Claims

Claims 8 and 24 were amended as follows:

8. (Twice Amended) A substrate having polymer probes coupled thereto, comprising:

a plurality of regions on the substrate in which diverse polymer probes are coupled; and

a plurality of regions on the substrate in which polymer probes having the same desired sequence are coupled, wherein the polymer probes having the same desired sequence will bind with a control sequence of monomers but the polymer probes are formed with at least one different monomer addition cycle and at least one of the polymer probes does not have the same actual sequence as a result of a different monomer addition cycle **[so that the integrity of the polymer probes may be verified]**.

24. (Twice Amended) A substrate having nucleic acid probes coupled thereto, comprising:

a plurality of regions on the substrate in which diverse nucleic acid probes are coupled; and

a plurality of regions on the substrate in which nucleic acid probes having the same desired sequence are coupled, wherein the nucleic acid probes having the same desired sequence will bind with a control sequence of nucleotides but the nucleic acid probes are formed with at least one different nucleotide addition cycle and at least one of the nucleic acid probes does not have the same actual sequence as a result of a different nucleotide addition cycle **[so that the integrity of the nucleic acid probes may be verified]**.